

STAMELL & SCHAGER, LLP

ATTORNEYS AT LAW

ONE LIBERTY PLAZA, 35TH FLOOR
NEW YORK, NEW YORK 10006-1404

WRITER'S E-MAIL:
schager@ssnyc.com

TELEPHONE (212) 566-4047
FACSIMILE (212) 566-4061

WRITER'S DIRECT DIAL:
(212) 566-4057

December 1, 2010

The Honorable Joanna Seybert
United States District Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: *Pearlman, Tell, Gallo, Koplik and Rabsey v. Cablevision Systems Corporation*,
10-cv-4992 (JS) (AKT)

Dear Judge Seybert:

Plaintiffs in the referenced litigation filed a Motion yesterday requesting an "Order Appointing Interim Co-Lead Counsel." We write because we and our co-counsel and clients in three pending actions would be affected by the Order if signed, even though our cases are not before the Court. The Motion is plainly premature, and we respectfully request that the Court deny the Motion with leave to resubmit at an appropriate time.

The attached Service List names the six cases that have been pleaded against Cablevision Services Corporation and its affiliates, and identifies counsel for plaintiffs and defendants. All six cases arise from the same transactions and occurrences and all present common questions of law and fact. All involve claims for damages for customers of Cablevision who subscribed and paid for but did not receive Fox programming during October 2010.

Three of the cases, pleaded by this firm and the Law Office of Michael C. Rakower, P.C., were filed in Nassau County Supreme Court. All three were filed and served before the complaint in *Pearlman*. Defendants have appeared in these three cases (the only cases in which Defendants have appeared at this writing) and removed them to the Eastern District, where they have been assigned to Judge Feuerstein. A fourth, later-filed case also has been assigned to Judge Feuerstein. A fifth case was filed and is pending in the United States District Court for the District of New Jersey before Anne E. Thompson, U.S.D.J. The sixth case is the *Pearlman* case before this Court. (Case names and numbers are set forth in the Service List.)

Moving counsel ask this Court to exercise authority over all six cases. The requested Order would make two of the three firms who pleaded the *Pearlman* complaint "Interim Co-Lead Counsel" with "authority to speak for all plaintiffs" and would prohibit other firms from making any "notice, request for discovery, or other pretrial or trial proceedings" The five other cases listed in the attached Service List, the named plaintiffs and plaintiffs' counsel are not

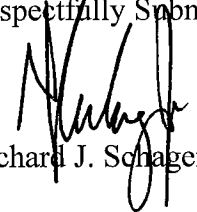
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identified in the motion, despite the fact that moving counsel seeks to have the Court issue an Order directed at these cases.

As moving counsel indicate, "various plaintiffs' counsel have been discussing a consensual procedure" regarding consolidation. These discussions also have addressed a structure to coordinate prosecution. Moving counsel apparently believe that being first to file a motion for appointment as lead counsel gives them an advantage towards such appointment, but they overlook that this Court cannot enter an order governing prosecution of cases pending in other courts.

Accordingly, we respectfully request the Court to deny the Motion *sua sponte* as premature, without prejudice to resubmission of the Motion after consolidation.

Respectfully Submitted,



Richard J. Schager, Jr.

cc: See attached Service List

SERVICE LIST

<p>Ralph M. Stone (rstone@lawssb.com) SHALOV STONE BONNER & ROCCO LLP 260 Madison Avenue, 17th Floor New York, NY 10016 Tel.: (212) 239-4340 Fax: (212) 239-4310</p>	<p>Counsel to Plaintiffs in <i>Theodore Pearlman, Marc Tell, Julia Gallo, Andrew Koplik and Dorothy Rabsey v. Cablevision Systems Corporation</i>, Case No. 10-cv-04992 (Seybert, J. & Tomlinson, M.J.).</p>
<p>Ronen Sarraf (ronen@sarrafgentile.com) SARRAF GENTILE LLP 116 John Street, Suite 2310 New York, NY 10038 Tel: 212-868-3610 Fax: 212-918-7967</p>	
<p>Todd J. Krouner (TKrouner@KrounerLaw.com) Scott J. Koplik (SKoplik@KrounerLaw.com) LAW OFFICE OF TODD J. KROUNER 93 North Greeley Avenue Chappaqua, NY 10514 Tel.: (914) 238-5800</p>	
<p>Darren T. Kaplan (dkaplan@chitwoodlaw.com) Gregory E. Keller (gkeller@chitwoodlaw.com) Carol Shahmoon (cshahmoon@chitwoodlaw.com) CHITWOOD HARLEY HARNES LLP 185 Great Neck Road, Suite 340 Great Neck, NY 11021 Tel.: (516) 773-6090</p>	<p>Counsel to Plaintiffs in <i>Arthur Finkel, Angelo Brucchieri, and David Menoni v. Cablevision Systems Corporation</i>, Case No. 10-cv-05021 (Feuerstein, J. & Boyle, M.J.).</p>
<p>Justin M. Klein (justin@marksklein.com) Andrew Bleiman (andrew@marksklein.com) MARKS & KLEIN, LLP 63 Riverside Avenue Red Bank, NJ 07701 Tel.: (732) 747-7100 Fax: (732) 219-0625</p>	<p>Counsel to Plaintiffs in <i>Eric Bohm and Stanley J. Somer v. Cablevision Systems Corporation</i>, Case No. 10-cv-05624 (Thompson, J. & Arpert, M.J.).</p>
<p>Carol L. Forte (cforte@njatty.com) BLUME GOLDFADEN DONNELLY FRIED & FORTE One Main Street Chatham, NJ 07928 Tel.: (973) 635-5400 Fax: (973) 635-9339</p>	

<p>Richard J. Schager, Jr. (schager@ssnyc.com) STAMELL & SCHAGER, LLP One Liberty Plaza, 35th Floor New York, NY 10006-1404 Tel.: (212) 566-4057 Fax: (212) 566-4061</p>	<p>Counsel to Plaintiffs in:</p> <p><i>William Canfield and Salvatore Gandolfo v. Cablevision Systems Corporation and CSC Holdings, LLC</i>, Case No. 10-cv-_____ (Feuerstein, J. & Boyle, M.J.) (Nassau Co. Index No. 600933/2010).</p>
<p>Michael C. Rakower (mrakower@rakowerlaw.com) LAW OFFICE OF MICHAEL C. RAKOWER 747 Third Avenue, 32nd Floor New York, NY 10017 Tel.: (212) 660-5552 Fax: (212) 660-5551</p>	<p><i>Sean Ahearn v. Cablevision Systems Corporation and CSC Holdings, LLC</i>, Case No. 10-cv-_____ (Feuerstein, J. & Boyle, M.J.) (Nassau Co. Index No. 600975/2010).</p> <p><i>Ralph Dudley v. Cablevision Systems Corporation and CSC Holdings, LLC</i>, Case No. 10-cv-05510 (Feuerstein, J. & Boyle, M.J.) (Nassau Co. Index No. 600979/2010).</p>
<p>Thomas H. Golden (tgolden@willkie.com) Norman P. Ostrove (nostrove@willkie.com) WILLKIE FARR & GALLAGHER LLP 787 Seventh Avenue New York, NY 10019 Tel.: (212) 728-8657 Fax: (212) 728-9657</p>	<p><i>Counsel to Defendants Cablevision and CSC Holdings, LLC</i></p>